

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 23-14085-CIV-CANNON

JAY B. WOLFENBARGER,

Plaintiff,

v.

3M COMPANY,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS [ECF No. 26]**

THIS CAUSE comes before the Court upon Magistrate Judge McCabe's Report and Recommendation on Defendant's Renewed Motion to Tax Costs (the "Report") [ECF No. 26], issued on January 17, 2024. Upon review, the Report [ECF No. 26] is **ACCEPTED**.

On November 16, 2023, following the Court's Order Granting Defendant's Motion to Dismiss [ECF No. 19], the Court entered Final Judgment in favor of Defendant, 3M Company ("Defendant"), and against Plaintiff, Jay B. Wolfenbarger ("Plaintiff") [ECF No. 16]. Defendant thereafter filed the instant Renewed Motion for Bill of Costs ("Renewed Motion"), seeking \$402.00 for the filing fee paid to the Clerk of Court upon removal to this Court [ECF No. 24]. Magistrate Judge McCabe recommends the Court grant the Renewed Motion [ECF No. 26]. Neither party filed objections to the Report, and the time to do so has expired [ECF No. 26 p. 2].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822

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(11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no error in the well-reasoned Report. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 26] is **ACCEPTED**.
2. Defendant's Renewed Motion for Bill of Costs [ECF No. 24] is **GRANTED**.
3. Defendant is entitled to recover taxable costs in the amount of \$402.00.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 12th day of March 2024.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record